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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 FRED LEWIS,

7 Plaintiff,

8 vs.

9 THE BUREAUS, INC. and EMPIRE
10 SOLUTIONS, INC.,

11 Defendants.

Case No: C 09-6041 SBA

**ORDER DENYING MOTION TO
ENFORCE SETTLEMENT**

Dkt. 21

12 On November 5, 2009, Plaintiff filed the present action in the Superior Court of
13 California, County of San Francisco, alleging that Defendants violated California and federal
14 fair debt collection practices laws. On December 28, 2009, Defendants removed the action to
15 this Court based upon federal question jurisdiction. On April 6, 2010, the parties filed a
16 stipulation selecting mediation as their preferred ADR process. Subsequently, an ADR Phone
17 Conference was scheduled for June 29, 2010. The June 29, 2010 ADR Phone Conference was
18 not held because the parties had indicated that they reached a settlement prior to the
19 conference.

20 On September 9, 2010, Plaintiff filed the instant Motion to Enforce Settlement, which
21 Defendants have opposed. Dkt. 21. In his motion, Plaintiff asserts that Defendants have
22 refused to sign the Settlement Agreement that was negotiated by their lawyers on their behalf,
23 and asks the Court enforce the Settlement Agreement against Defendants. Plaintiff asserts that
24 the terms of the Settlement Agreement were agreed to following several e-mail and telephone
25 exchanges between Defendants' and Plaintiff's attorneys, and the draft settlement was the
26 reason the parties advised the Court's ADR Unit that the case had settled. According to
27 Plaintiff, through these negotiations, the parties arrived at a settlement of this matter which was
28 put into writing by Defendants' attorneys and agree to by the parties. Plaintiff indicates that

1 counsel for Defendants has not revealed why Defendants will not sign the Settlement
2 Agreement. In their opposition to Plaintiff's motion, Defendants assert that, while they had
3 agreed to a settlement in principle, the details were not sufficiently agreed upon or documented
4 to allow for enforcement of the purported settlement.

5 The Court notes that a mandatory Settlement Conference is currently scheduled for
6 December 14, 2010 before Magistrate Judge Beeler. Participation in that conference may assist
7 the parties in resolving their disputes regarding the proposed Settlement Agreement, and may
8 obviate the need for the parties to invest additional time and resources in connection with
9 Plaintiff's motion. Accordingly,

10 IT IS HEREBY ORDERED THAT:


11 1. Plaintiff's Motion to Enforce Settlement is DENIED without prejudice. Plaintiff
12 may re-file his motion after the parties participate in the December 14, 2010 Settlement
13 Conference, should the circumstances so warrant.

14 2. The November 16, 2010 hearing on Plaintiff's Motion is VACATED.

15 3. This Order terminates Docket 21.

16 IT IS SO ORDERED.

17 Dated: November 8, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge